

Department of Marine Resources

NOTICE OF AGENCY RULE-MAKING PROPOSAL

RULE TITLE OR SUBJECT: Chapter 105 Safety Regulations

CONCISE SUMMARY: Safety training requirements are proposed for scallop and urchin divers and their tenders. Basic safety training relating to diver injuries and emergency procedures in the event these persons are first responders to such situations would be required. Cardio-Pulmonary Response (CPR) and First Aid would be required of divers and tenders; plus a department Diving Safety Course for new tenders would also be required. Proof of a current, non-expired, CPR and First Aid training would be required for both divers and tenders at time of license renewal. Persons acting as a tender under a new license category must possess proof of their required training per [12 MRS §6533](#) upon request by enforcement officials.

STATUTORY AUTHORITY: 12 M.R.S. §6533, §6176

PUBLIC HEARING: **October 26, 2009**, **6:00pm, Natural Resource Service Center, 6 Beech Street, Hallowell (access via the rear entrance) ***Public hearings for multiple proposed rules will be held in chronological order. The second hearing will be held immediately upon the conclusion of the previous hearing, etc. See separate rulemaking notices for the rules not listed in this notice.*

DEADLINE FOR COMMENTS: **November 6, 2009**

To ensure consideration, comments must include your name and the organization you represent, if any. Please be aware that any risk of non-delivery associated with submissions by fax or e-mail is on the sender.

AGENCY CONTACT PERSON: **Cathy Fetterman (207-624-6571)**
Mail Written Comments to: **Department of Marine Resources, attn L. Churchill**
ADDRESS: **PO Box 8, West Boothbay Harbor, Maine 04575-0008**
WEB SITE: <http://www.maine.gov/dmr/rulemaking/>

E-MAIL: laurice.churchill@maine.gov **TEL: (207) 633-9584** **FAX: (207) 633-9579** **TTY: (207) 633-9500** (Deaf/Hard of Hearing) Hearing facilities: If you require accommodations due to disability, please contact Amanda Beckwith, at (207) 287-7578.

Additional information:

The proposed regulations would apply to those persons who are a licensed scallop or urchin diver, a licensed scallop or urchin tender, or a person acting as a tender under a new license category that allows a non-licensed person to act as a tender similar to "crew" under a harvester's license, by requiring that they obtain basic emergency safety training related to diving and boating safety.

Proposed rulemaking – see underlined or ~~deleted~~ text below:

Chapter 105 Safety Regulations

105.01 Definitions

105.10 Tender and Diver Safety requirements

A. Compliance

1. Tenders

Each person licensed as a sea urchin or scallop diving tender under 12 M.R.S. §6535, or acting as a tender under a license issued pursuant to 12 M.R.S. §6701(5)(B), or §6748(4)(B), must have completed safety training as required by this Chapter. The training requirements or equivalents include a current (non-expired) Cardio-Pulmonary Response (CPR) Card and First Aid Card; plus the DMR Diving Safety Course for Tenders certificate of completion card for tenders where required; or receive a Department approved waiver, (see Waivers).

Persons issued a sea urchin and scallop diving tender license pursuant to 12 M.R.S. §6535 shall provide a copy of a current (non-expired) Cardio-Pulmonary Response (CPR) Card and First Aid Card or equivalent at the time of a new license application or at time of license renewal. New tender license applicants are required to complete the DMR Diving Safety Course for Tenders. Persons seeking a renewal of this license are not required to take the course (they have already met this requirement).

Persons acting as a tender in accordance with 12 M.R.S. §6701(5)(B), or §6748(4)(B) must have in their possession, at the time when acting as a tender, a current (non-expired) CPR card, a current (non-expired)

First Aid card and a DMR Diving Safety Course for Tenders certificate of completion card, or Department approved equivalent documentation (see Waivers).

2. Divers

Persons licensed as a scallop diver in accordance with 12 M.R.S. §6701 or sea urchin diver in accordance with §6748 shall provide a copy of a current (non-expired) Cardio-Pulmonary Response (CPR) Card and First Aid Card or equivalent at the time of license renewal. (No new urchin or scallop diver licenses are being issued at this time.)

Also see Table of requirements below.

B. DMR Diving Safety Course for Tenders

Training shall provide basic recognition of diver related injuries and emergency procedures encompassing boating safety emergency responses as first responders. Upon successful completion of the course a card indicating proof of completion shall be issued by the Department.

1. Contact information

To obtain information about the DMR Diving Safety Course for Tenders contact: Marine Patrol Headquarters, Attn Tender Safety Training, Dept. of Marine Resources, 21 State House Station, Augusta, ME 04333; telephone (207-624-6500), or online from the Department's web site at <http://www.maine.gov/dmr/index.htm> then search under the license category for "other forms".

C. Waivers

The Commissioner may waive the requirement to complete the CPR, First Aid or the DMR Diving Safety Course for Tenders as provided in Chapter 105.10(B) for any person who demonstrates to the Commissioner, either through documented experience or technical or professional accreditation, a level of knowledge at least equal to that expected from a person who completed the training requirements of this Chapter. It is the responsibility of the person seeking such a waiver to request that waiver in writing to the Commissioner and to provide any documentation the Commissioner determines necessary to make a decision.

D. Table of requirements

What → Who ↓	CPR card ↓ (non-expired)	First Aid card ↓ (non-expired)	Course ↓
New applicants for Scallop/Urchin Tender license (12 MRS §6535)	show w/application	show w/application	Must complete course prior to license issuance
Renewal of Scallop/Urchin Tender - license holder (12 MRS §6535)	Provide at license renewal	Provide at license renewal	NA (These license holders have already completed a DMR approved course.)
Scallop/Urchin boat w/tender license holder w/ non-licensed tenders per: (12 MRS §6701(5)(B) (12 MRS §6748(4)(B))	At time of application and future renewals	At time of application and future renewal	NA
Persons acting as tenders under the Scallop/Urchin boat w/tender license holder per: (12 MRS §6701(5)(B) (12 MRS §6748(4)(B))	In possession & and upon demand by Maine Marine Patrol (MMP) request	In possession & and upon demand by MMP request	Course completion card or after course completion will be entered in DMR license database available to MMP
Scallop diver license holder (12 MRS §6701)	Provide at license renewal	Provide at license renewal	NA
Urchin diver license holder (12 MRS §6748)	Provide at license renewal	Provide at license renewal	NA

If you are unable to attend the hearing persons are encouraged to submit written comments from the receipt or posting of this notice through close of business on the deadline listed.